

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Robert Lewis,

Plaintiff,

-against-

The City of New York,

Defendant.

ANALISA TORRES, District Judge:

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24 Civ. 2336 (AT) (RWL)

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

On March 27, 2024, Plaintiff *pro se*, Robert Lewis, filed this action against Defendant, the City of New York (the “City”), alleging that the City violated his constitutional rights by charging him excessive fines and effecting a taking of his property without due process or just compensation. *See generally* Compl, ECF No. 1. The City moved to dismiss Lewis’s complaint pursuant to Federal Rule of Civil Procedure 12(b)(1) and (6). ECF Nos. 17–19. The Court referred the motion to the Honorable Robert W. Lehrburger. ECF No. 20. Despite being afforded the opportunity to respond, Lewis filed no opposition papers. *See* ECF Nos. 16, 22–23.

After careful consideration, Judge Lehrburger issued a report (the “R&R”) recommending that the City’s motion be granted and Lewis’s claims be dismissed without prejudice to his (1) amending the complaint to plausibly assert a constitutional claim under 42 U.S.C. § 1983 or (2) bringing a proceeding in New York state court. ECF No. 24 at 25; *see* N.Y. C.P.L.R. § 7801 *et seq.* Although he was notified of his right to object to the R&R, Lewis did not file any objections, and the time to do so has now passed. *See* R&R at 25; Fed. R. Civ. P. 72(b)(2); Dkt. Entry 12/9/24. The Court, therefore, reviews the R&R for clear error. *See Whitley v. Bowden*, No. 17 Civ. 3564, 2019 WL 1953941, at \*1 (S.D.N.Y. May 1, 2019) (collecting cases). The Court finds no clear error in Judge Lehrburger’s well-reasoned R&R.

Accordingly, the Court ADOPTS Judge Lehrburger’s R&R in its entirety. Lewis’s claims are DISMISSED WITHOUT PREJUDICE. By **February 7, 2025**, Lewis may file an amended complaint. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 17 and mail a copy of this order to Plaintiff *pro se*.

SO ORDERED.

Dated: January 8, 2025  
New York, New York



ANALISA TORRES  
United States District Judge